

103^D CONGRESS
2^D SESSION

H. R. 4545

To amend the Federal Railroad Safety Act of 1970, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 8, 1994

Mr. SWIFT (by request) introduced the following bill; which was referred to
the Committee on Energy and Commerce

A BILL

To amend the Federal Railroad Safety Act of 1970, and
for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Railroad Safe-
5 ty Authorization Act of 1994”.

6 **SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

7 Section 214(a) of the Federal Railroad Safety Act of
8 1970 (45 U.S.C. 444(a)) is amended by inserting after
9 the first sentence the following new sentence: “There are
10 authorized to be appropriated to carry out this Act not
11 to exceed \$68,289,000 for fiscal year 1995 and such sums

1 as may be necessary for fiscal years 1996, 1997, and
2 1998.”.

3 **SEC. 3. HOURS OF SERVICE PILOT PROJECTS.**

4 The Hours of Service Act (45 U.S.C. 61 et seq.) is
5 amended by adding at the end the following new section:

6 **“SEC. 7. HOURS OF SERVICE PILOT PROJECTS.**

7 “(a) A railroad or railroads and all labor organiza-
8 tions representing any class or craft of directly affected
9 covered service employees of the railroad or railroads, may
10 jointly petition the Secretary of Transportation for ap-
11 proval of a waiver, in whole or in part, of compliance with
12 this Act, to enable the establishment of one or more pilot
13 projects to demonstrate the possible benefits of imple-
14 menting alternatives to the strict application of the re-
15 quirements of this Act to such class or craft of employees,
16 including requirements concerning maximum on-duty and
17 minimum off-duty periods. Based on such a joint petition,
18 the Secretary may, after notice and opportunity for com-
19 ment, waive in whole or in part compliance with this Act
20 for a period of no more than two years, if the Secretary
21 determines that such waiver of compliance is in the public
22 interest and is consistent with railroad safety. Any such
23 waiver may, based on a new petition, be extended for addi-
24 tional periods of up to two years, after notice and oppor-
25 tunity for comment. An explanation of any waiver granted

1 under this section shall be published in the Federal Reg-
2 ister.

3 “(b) The Secretary shall submit to Congress, no later
4 than 18 months after the granting of the first waiver
5 under subsection (a), a report that explains and analyzes
6 the effectiveness of any pilot projects established pursuant
7 to waivers that were granted under subsection (a) at least
8 12 months before the date such report is due under this
9 subsection.

10 “(c) For purposes of this section, the term ‘directly
11 affected covered service employees’ means covered service
12 employees to whose hours of service the terms of the waiv-
13 er petitioned for specifically apply.”.

14 **SEC. 4. CONFORMING AMENDMENT TO THE HOURS OF**
15 **SERVICE ACT.**

16 Section 5(a)(1) of the Hours of Service Act (45
17 U.S.C. 64a(a)(1)) is amended by inserting “or that vio-
18 lates any provision of a waiver applicable to that person
19 that has been granted under section 7 of this Act,” after
20 “or that violates any other provision of this Act,”.

21 **SEC. 5. TECHNICAL AMENDMENT TO THE FEDERAL RAIL-**
22 **ROAD SAFETY ACT OF 1970.**

23 Section 209(f) of the Federal Railroad Safety Act of
24 1970 (45 U.S.C. 438(f)) is amended by inserting “this
25 title or any of the laws transferred to the jurisdiction of

1 the Secretary of Transportation by subsection (e) (1), (2),
2 and (6)(A) of section 6 of the Department of Transpor-
3 tation Act (49 U.S.C. App. 1655(e) (1), (2), and (6)(A),
4 or” after “individual’s violation of”.

5 **SEC. 6. BIENNIAL REPORTING ON IMPLEMENTATION OF**
6 **THE FEDERAL RAILROAD SAFETY ACT OF**
7 **1970.**

8 (a) Section 211 of the Federal Railroad Safety Act
9 of 1970 (45 U.S.C. 440) is amended by striking in its
10 heading “**ANNUAL**” and inserting in lieu thereof “**BIEN-**
11 **NIAL**”.

12 (b) Section 211(a) of the Federal Railroad Safety Act
13 of 1970 (45 U.S.C. 440(a)) is amended by striking “on
14 or before July 1 of each year a comprehensive report on
15 the administration of this title for the preceding calendar
16 year” and inserting in lieu thereof “every two years, on
17 or before July 1 of the year due, a comprehensive report
18 on the administration of this title for the preceding two
19 calendar years”.

20 (c) Section 211(a)(1) of the Federal Railroad Safety
21 Act of 1970 (45 U.S.C. 440(a)(1)) is amended by striking
22 “occurring in such year” and inserting in lieu thereof “oc-
23 ccurring during each of the two preceding calendar years,
24 by calendar year”.

1 (d) Paragraphs (2), (3), and (6) of section 211(a)
2 of the Federal Railroad Safety Act of 1970 (45 U.S.C.
3 440(a)(2), (3), and (6)) are amended by striking “year”
4 each place it appears and inserting in lieu thereof “years”.

5 (e) Paragraphs (9) and (10) of section 211(a) of the
6 Federal Railroad Safety Act of 1970 (45 U.S.C. 440(a)(9)
7 and (10)) are amended by striking “during the preceding
8 calendar year” each place it appears and inserting in lieu
9 thereof “during the preceding two calendar years”.

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